

FILED

OCT 13 2021

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUISUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEREK D. BROWN,

Defendant.

4:21CR00557 HEA/NCC

No.

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its Attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Donald S. Boyce, Assistant United States Attorney for said District, and moves the Court to order Defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, §3141, et seq.

As and for its grounds, the United States of America states as follows:

1. Defendant is charged with three counts of Assault on Federal Officers, in violation of 18 U.S.C. §111(a)(1), three counts of Discharging of a Firearm in Furtherance of a Crime of Violence, in violation of 18 U.S.C. §924(c), and one count of being a Felon in Possession of a Firearm, 18 U.S.C. §922(g)(1). Pursuant to Title 18, United States Code, Section 4142(f)(1)(A), this case involves charges of assault, which is a crime of violence. Pursuant to Title 18, United States Code, Section 3142(e)(3)(B), the rebuttable presumption of detention applies because the Defendant has been charged with violations of 18 U.S.C. §924(c).

2. The investigation by the St. Louis County Police Department has shown that on March

18, 2021, the Defendant, Derek D. Brown, went to his wife's daughter's house in St. Louis County to confront his wife over a marital dispute. Brown armed himself with a hammer and a machete, kicked in the door of the daughter's house, and demanded to see his wife to confront her. The daughter, afraid for her safety and that of her children, retrieved her M&P Shield .45 pistol and pointed it Brown's head and pulled the trigger. The gun did not fire, and Brown wrestled it away from the daughter. After Brown got control of the gun, he left the house and took the gun with him. St. Louis County police responded to the daughter's house and learned that Brown had taken the daughter's gun. They also ran Brown and learned that he had a parole violation warrant. Family members told police that Brown would probably be located at his sister's house. Police assembled an arrest team of multiple officers, including three federal TFO's. Multiple officers went to the area around the sister's house, set up surveillance, and eventually saw Brown come out of the house. Officers wearing clothing marked "police" approached Brown and yelled "police stop you are under arrest." Brown retreated back to the front door of the house and fired multiple shots at the officers from the M&P .45 pistol. Brown went into the house and continued to fire through the screen door and then through the closed front door. Brown eventually surrendered and was arrested, and Police recovered the pistol from the front hallway of the house. Brown was interviewed, and he admitted firing at the officers.

3. Based on the statutory factors in 18 U.S.C. § 3142(g), detention is appropriate in this case. Pursuant to Section 3142(g)(1), the nature and circumstances of this case are that the Defendant has been charged with a crimes of violence and firearms offenses. Pursuant to Section 3142(g)(2), the weight of the evidence against the Defendant, as summarized above, is strong. Pursuant to Section 3142(g)(3)(A), it appears that the Defendant has prior convictions for Robbery 1st Degree, Assault 1st Degree, and Armed Criminal Action. Pursuant to Section 3142(g)(3)(B), it

appears that the Defendant was on parole at the time of this incident.

WHEREFORE, the United States requests this Court to order Defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of Defendant's initial appearance.

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

/s/ Donald S. Boyce
DONALD S. BOYCE, #6282562IL
Assistant United States Attorney